

LYNCHBURG CITY COUNCIL

Agenda Item Summary

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|--|--------------------|-----------------------------------|
| MEETING DATE: May 10, 2005 | AGENDA ITEM NO.: 6 | |
| CONSENT: | REGULAR: X | CLOSED SESSION: (Confidential) |
| ACTION: X | INFORMATION: | |
| ITEM TITLE: Future Land Use Map (FLUM) Amendment – Low Density Residential to Medium Density Residential Rezoning Request – R-2, Low Density Residential to R-3, Two Family Residential (Conditional) Conditional Use Permit Request, 821, 823 Mercury Street and 824 Wiggington Road | | |

RECOMMENDATION: Approval of the requested Future Land Use Map Amendment, Rezoning & Conditional Use Permit Requests.

SUMMARY: Gant Properties, Inc., is petitioning for a Future Land Use Map Amendment from Low Density Residential to Medium Density Residential, a rezoning from R-2, Low Density Residential to R-3, Two Family Residential (Conditional) and for a Conditional Use Permit to allow the construction of a sixteen (16) unit town home complex at 821, 823 Mercury Street and 824 Wiggington Road. The Planning Commission recommended approval of the petitions because:

- Petition proposes to amend the Future Land Use Map from Low Density Residential to Medium Density Residential in an area with adjacent land uses of single-family homes, apartments, commercial and industrial uses. With the adjacent land uses the proposed amendment to the FLUM is acceptable.
- Petition agrees with the Zoning Ordinance in that town homes are a permitted use in an R-3, Medium Density Two Family Residential District upon approval of a Conditional Use Permit by the City Council.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

April 13, 2005: Planning Division recommended approval of the FLUM Amendment, Rezoning & CUP
Planning Commission recommended approval (6-0 with Ms. Jane Bacon absent) of the Future Land Use Map Amendment.

Planning Commission recommended approval (6-0 with Ms. Jane Bacon absent) of the rezoning with the following voluntarily submitted proffers:

1. Substantial compliance with final site plan of development dated April 1, 2005.
2. All town homes will be custom built and bricked in a Williamsburg architectural design.
3. Landscaping of the entire area will be in compliance with the Scenic Corridor restrictions.
4. Each town home will have ten (10) foot ceilings on the main level.
5. All front porches or stoops will be bricked. There will be no treated wood decks, porches, etc. If wooden railings are required they will be painted.
6. We will use architectural shingles.
7. There will be brick columns at the Wiggington Road entrance.
8. Private street lights will be placed on the property.

Planning Commission recommended approval (6-0 with Ms. Jane Bacon absent) of the Conditional Use Permit with the following conditions:

1. The property shall be developed in substantial compliance with the Preliminary site Plan for Rezoning of Wiggington Place Town homes, 821 Mercury Street prepared by Berkley-Howell & Associates, P.C. dated April 1, 2005 and received April 4, 2005.
2. Foundation plantings, subject to the review of the City Planner and Urban Forester, shall be planted along the sides of the buildings facing Wiggington Road and Mercury Street, respectively.
3. All exterior lighting shall be non-directional and glare-shielded to prevent illumination across the property line onto adjacent properties.
4. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quality of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Wiggington Road.
5. Since the existing roadside ditch adjacent to Wiggington Road is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the downstream inlet. The improved channel will be installed as a standard grass-lined swale. If the velocity of the runoff will not allow a grass-lined swale to establish, erosion control matting shall be used in lieu of a rip rap lining and is subject to the review of the Environmental Planner and the City Engineer.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinances
- Resolution
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan (CAN BE VIEWED IN THE OFFICE OF COMMUNITY PLANNING & DEVELOPMENT, 900 CHURCH STREET, LYNCHBURG, VA 2ND FLOOR)
- Narrative
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE AMENDED THE FUTURE LAND USE MAP FOR THE PROPERTY AT 821, 823 MERCURY STREET AND 824 WIGGINGTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Amend the future land use map for the subject property being 821 Mercury Street, 823 Mercury Street and 824 Wiggington Road from Low Density Residential to Medium Density Residential.

The area embraced within the following boundaries . . .

All those certain lots or parcels of land situate on Wiggington Road and Mercury Street in the City of Lynchburg, Virginia, commonly referred to as Lots 7-12 and Lots 47-55 of that subdivision known as "Wiggington Heights" and further described as follows:

Beginning at a point, which point is located on the northerly right-of-way line of Wiggington Road approximately 450 feet west of its intersection with Burnham Lane, and which point is a common corner between Lots 12 and 13, of said Wiggington Heights,

Thence, along said line of Wiggington Road and with said lots 12, 11, 10 and 9, Wiggington Heights, North 38 degrees 13 minutes 00 seconds west for a distance of 106.76 feet to a point, which point is a common corner between Lots 8 and 9, of said Wiggington Heights; thence, further along said line of Wiggington Road and with said Lots 8 and 7, North 51 degrees 20 minutes 00 seconds west for a distance of 50.42 feet to a point, which point is a common corner between Lots 7 and 6, of said Wiggington Heights; thence, leaving said line of Wiggington Road and with the line of said lot 6, North 31 degrees 17 minutes 00 seconds east for a distance of 170.24 feet to a point, which point is a common corner between Lots 7, 6, 54 and 55, of said Wiggington Heights; thence, along the common line of said Lots 6 and 55, North 58 degrees 43 minutes 00 seconds west for a distance of 25.00 feet to a point, which point is a common corner between Lots 5, 6, 55 and 56, of said Wiggington Heights; thence, along the common line of said Lots 55 and 56, North 31 degrees 17 minutes 00 seconds east for a distance of 175.00 feet to a point, which point is located on the southerly right-of-way line of said Mercury Street, and which point is a common corner between Lots 56 and 55, of said Wiggington Heights; thence, along said line of Mercury Street, with Lots 55, 54, 53, 52, 51, 50, 49, 48, and 47, South 58 degrees 43 minutes 00 seconds east for a distance of 225.00 feet to a point, which point is located on said line of Mercury Street, and which point is a common corner between Lots 47 and 46, of said Wiggington Heights; thence, leaving said line of Mercury Street and with the line of said Lot 46, South 31 degrees 17 minutes 00 seconds west for a distance of 175.00 feet to a point, which point is a common corner between Lots 47, 46, 15 and 14, of said Wiggington Heights; thence, along the common line between Lots 47 and 48 and Lots 14 and 13, North 58 degrees 43 minutes 00 seconds west for a distance of 50.00 feet to a point, which point is a common corner between Lots 48, 49, 12 and 13, of said Wiggington Heights; thence, along the common line of said Lots 12 and 13, South 31 degrees 17 minutes 00 seconds west for a distance of 214.11 feet to the point of beginning; together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.552 acres more or less.

. . . is hereby amended on the Future Land Use Map from Low Density Residential to Medium Density Residential.

And the Director of Community Planning and Development shall forthwith cause the Future Land Use Map referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

061L

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-2, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT TO R-3, MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change of a certain area from R-2, Low-Medium Density Residential District to R-3, Medium Density Two-Family Residential District (Conditional).

The area embraced within the following boundaries . . .

All those certain lots or parcels of land situate on Wiggington Road and Mercury Street in the City of Lynchburg, Virginia, commonly referred to as Lots 7-12 and Lots 47-55 of that subdivision known as "Wiggington Heights" and further described as follows:

Beginning at a point, which point is located on the northerly right-of-way line of Wiggington Road approximately 450 feet west of its intersection with Burnham Lane, and which point is a common corner between Lots 12 and 13, of said Wiggington Heights,

Thence, along said line of Wiggington Road and with said lots 12, 11, 10 and 9, Wiggington Heights, North 38 degrees 13 minutes 00 seconds west for a distance of 106.76 feet to a point, which point is a common corner between Lots 8 and 9, of said Wiggington Heights; thence, further along said line of Wiggington Road and with said Lots 8 and 7, North 51 degrees 20 minutes 00 seconds west for a distance of 50.42 feet to a point, which point is a common corner between Lots 7 and 6, of said Wiggington Heights; thence, leaving said line of Wiggington Road and with the line of said lot 6, North 31 degrees 17 minutes 00 seconds east for a distance of 170.24 feet to a point, which point is a common corner between Lots 7, 6, 54 and 55, of said Wiggington Heights; thence, along the common line of said Lots 6 and 55, North 58 degrees 43 minutes 00 seconds west for a distance of 25.00 feet to a point, which point is a common corner between Lots 5, 6, 55 and 56, of said Wiggington Heights; thence, along the common line of said Lots 55 and 56, North 31 degrees 17 minutes 00 seconds east for a distance of 175.00 feet to a point, which point is located on the southerly right-of-way line of said Mercury Street, and which point is a common corner between Lots 56 and 55, of said Wiggington Heights; thence, along said line of Mercury Street, with Lots 55, 54, 53, 52, 51, 50, 49, 48, and 47, South 58 degrees 43 minutes 00 seconds east for a distance of 225.00 feet to a point, which point is located on said line of Mercury Street, and which point is a common corner between Lots 47 and 46, of said Wiggington Heights; thence, leaving said line of Mercury Street and with the line of said Lot 46, South 31 degrees 17 minutes 00 seconds west for a distance of 175.00 feet to a point, which point is a common corner between Lots 47, 46, 15 and 14, of said Wiggington Heights; thence, along the common line between Lots 47 and 48 and Lots 14 and 13, North 58 degrees 43 minutes 00 seconds west for a distance of 50.00 feet to a point, which point is a common corner between Lots 48, 49, 12 and 13, of said Wiggington Heights; thence, along the common line of said Lots 12 and 13, South 31 degrees 17 minutes 00 seconds west for a distance of 214.11 feet to the point of beginning; said property contains 1.552 acres more or less.

. . . is hereby changed from R-2, Low-Medium Density Residential District to R-3, Two-Family Medium Density Residential District (Conditional), subject to the conditions setout herein below which were voluntarily proffered in writing by the owner, namely: Benjamin J. and Doris Cowins; to wit:

1. Substantial compliance with final site plan of development dated April 1, 2005.
2. All town homes will be custom built and bricked in a Williamsburg architectural design.
3. Landscaping of the entire area will be in compliance with the Scenic Corridor restrictions.
4. Each town home will have ten (10) foot ceilings on the main level.

5. All front porches or stoops will be bricked. There will be no treated wood decks, porches, etc. If wooden railings are required they will be painted.
6. We will use architectural shingles.
7. There will be brick columns at the Wiggington Road entrance.
8. Private street lights will be placed on the property.

And the Director of Community Planning and Development shall forthwith cause the Official Land Use Map and the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

061L

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO GANTT PROPERTIES, INC. FOR USE OF THE PROPERTY AT 821, 823 MERCURY STREET AND 824 WIGGINGTON ROAD FOR CONSTRUCTION OF THREE (3) TOWNHOUSE BUILDINGS, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Gantt Properties, Inc. for a Conditional Use Permit at 821 Mercury Street, 823 Mercury Street and 824 Wiggington Road to construct three (3) townhouses to create a sixteen (16) unit townhome community be, and the same is hereby approved, subject to the following conditions:

1. The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning of Wiggington Place Townhomes 821 Mercury Street prepared by Berkley-Howell & Associates, P.C. and dated April 4, 2005.
2. Foundation plantings, subject to the review of the City Planner and Urban Forester, shall be planted along the sides of the buildings facing Wiggington Road and Mercury Street, respectively.
3. All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.
4. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quality of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Wiggington Road.
5. Since the existing roadside ditch adjacent to Wiggington Road is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the downstream inlet. The improved channel will be installed as a standard grass-lined swale. If the velocity of the runoff will not allow a grass-lined swale to establish, erosion control matting shall be used in lieu of a rip rap lining and is subject to the review of the Environmental Planner and the City Engineer."

Adopted:

Certified:

Clerk of Council

061L

To: Planning Commission
From: Planning Division
Date: April 13, 2005
Re: **FUTURE LAND USE MAP AMENDMENT: Low Density Residential to Medium Density Residential at 821, 823 Mercury Street and 824 Wiggington Road.**
REZONING: R-2, Low-Medium Density Single Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) at 821, 823 Mercury Street and 824 Wiggington Road.
CONDITIONAL USE PERMIT (CUP): Wiggington Place Townhomes, 821, 823 Mercury Street and 824 Wiggington Road.

I. PETITIONER

Gant Properties, Inc., P.O. Box 622 Forest, VA 24551

Representative: Joe Gantt, Gant Properties, Inc., P.O. Box 622, Forest, VA 24551

II. LOCATION

The subject properties are located at 821, 823 Mercury Street and 824 Wiggington Road, Lynchburg, VA 24502 total approximately 1.55 acres.

Property Owners: Benjamin J. & Doris Cowins, 881 W. Witt Road, Danville, VA 24540

III. PURPOSE

The purpose of this petition is to allow construction of three (3) townhouse buildings totaling sixteen (16) units.

IV. SUMMARY

- Petition proposes to change the *Future Land Use Map* designation for this area from Low Density Residential to Medium Density Residential land use. Adjacent land uses as designated by the Future Land Use Map include a combination of low density residential, medium density residential, commercial and industrial properties.
- Petition agrees with the Zoning Ordinance in that townhomes are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council.
- Petition(s) proposes to amend the Future Land Use Map, rezone the subject property and obtain a CUP to construct a three (3) building, sixteen (16) unit townhome complex, including associated parking and recreational areas.

The Planning Division recommends approval of the Future Land Use Map amendment, the rezoning and the conditional use permit petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Low Density Residential development in this area. Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. The petitioner proposes to amend the Future Land Use map to Medium Density Residential for the subject property which is characterized by small-lot single family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre; the site plan, as proposed, provides for a density of ten and one third (10.3) units per acre. The plan also recommends that where neighborhoods already exist, infill development should be at a compatible density and housing type. Existing land-uses within the area currently include a mix of single-family residential homes, multi-family residential, commercial uses and vacant industrial property.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low Density Single Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:

- 1) Substantial compliance with final site plan of development (Date to be determined).
 - 2) All town homes will be custom built and bricked in a Williamsburg architectural design.
 - 3) Landscaping of the entire area will be in compliance with the scenic corridor restrictions.
 - 4) Each town home will have ten (10) foot ceilings on the main level.
 - 5) All front porches or stoops will be bricked. There will be no treated wood decks, porches, etc. If wooden railings are required, they will be painted.
 - 6) We will use architectural design shingles.
 - 7) There will be brick columns at the Wiggington Road entrance.
 - 8) Private street lights will be placed on the property.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the project as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
- 9/14/2004: City Council approved Nextel Partner's CUP petition to collocate cellular equipment on an existing tower at 208 Schothum Street.
 - 12/14/2004: City Council approved Joe Gantt's petition to rezone the property at 811 Mercury Street from R-2 and B-3 to B-3C to allow for the construction of a duplex on the lot.
 - 12/16/2003: City Council approved Joe Gantt's petition to rezone the property at 813 Mercury Street from R-2 to B-3C to allow for the construction with the appropriate setbacks of an office complex with parking.
 - 3/9/1999: City Council approved Lester Mulligan and Albert Henry's CUP petition for the construction of a veterinary hospital at 802-804 Wiggington Road.
 - 2/11/1997: City Council approved Richard Gilmore's petition to rezone the property at 811 Wiggington Road from B-3 & I-3 to B-3C for the construction of a funeral home.
 - 8/14/1990: City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to amend the master plan for Peaks View Park with access points on Ardmore Drive, Tenbury Drive and Ivy Creek Lane for the property off of Ardmore Drive.
 - 1/27/1981: City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to develop a master plan for a new city park (Peaks View Park) off of Ardmore Drive.
6. **Site Description.** The subject property currently includes one (1) single-family home, two (2) garages and an "out" building; each of these structures will be demolished and removed for the construction of the development. The property is bounded to the north, south and east by single-family residential homes and to the west by a combination of multi-family residential and commercial uses. Properties to the southeast include a mix of commercial and vacant industrial land-uses.
7. **Proposed Use of Property.** The purpose of the rezoning and conditional use permit is to allow construction of a three (3) building, sixteen (16) unit townhome community. The townhomes will be constructed as two (2) and three (3) level brick structures with the same architectural design and landscaping as the units on the adjacent Gantt property (811 Mercury Street). The petitioner proposes to provide paved parking, including curb and gutter, and eight hundred (800) square feet of landscaping for the project.
8. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development.
- Parking requirements for the proposed development are set at two and one half (2.5) spaces per unit by the City's Zoning Ordinance. The site plan indicates that forty (40) parking spaces will be provided for the townhomes; 40 spaces are required to meet City Code.
9. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-

development runoff conditions due to the new impervious area will be managed through the use of an above-ground stormwater detention facility that will be designed to release the stormwater at or below pre-development runoff rates; the detention area will ultimately discharge into an existing roadside ditch along Wiggington Road. A preliminary drainage review indicates the ditch is small, intermittent and inadequate for approximately three hundred (300) feet downstream of the site. Since the existing ditch is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the inlet further downstream of the site. Staff recommends that the improved channel be installed as a standard grass-lined swale for water quality purposes.

10. **Impact.** The development of the sixteen (16) unit townhome community and associated parking will have limited impacts on the surrounding neighborhood. The design and layout of the buildings are acceptable. Staff recommends that foundation plantings be placed along the sides of the buildings that face Wiggington Road and Mercury Street, respectively, to enhance the look of the buildings where they are visible from the street as well as provide a water quality enhancement for the townhomes.

Parking and traffic requirements have been sufficiently met for the project. The petitioner has proffered that private street lights will be placed on the property. The lights should be non-directional and glare-shielded to prevent illumination across the property line onto adjacent properties.

An above ground detention facility is proposed for the property. Staff recommends that the facility be converted to a bioretention facility or similar low-impact design measure if the runoff quantity allows for the practical application of this stormwater best management practice. If, at the discretion of the City's Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, it is recommended that a vegetative buffer be used to screen the facility from Wiggington Road.

Stormwater that leaves the facility will ultimately drain to the existing roadside ditch along Wiggington Road. Since the existing ditch is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the inlet further down Wiggington Road. Staff recommends that the improved channel be installed as a standard grass-lined swale for water quality purposes. If the velocity of the runoff will not allow a grass-lined swale to establish, staff recommends that, at the discretion of the Environmental Planner and the City Engineer, erosion control matting be used in lieu of a rip rap lining.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 22, 2005. Comments related to the proposed plan use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMEND MOTION(S):

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Joe Gantt's petition to amend the Future Land Use Map at 821, 823 Mercury Street and 824 Wiggington Road from Low Density Residential to Medium Density Residential.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Joe Gantt's petition for a rezoning of R-2, Low-Medium Density Single Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional), 821, 823 Mercury Street and 824 Wiggington Road.

Based on the preceding Findings of Fact, the Planning commission recommends to City Council approval of Joe Gantt's petition for a Conditional Use Permit (CUP) at 821, 823 Mercury Street and 824 Wiggington Road to allow for the construction of a sixteen (16) unit townhome community, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning of Wiggington Place Townhomes 821 Mercury Street prepared by Berkley-Howell & Associates, P.C. and dated April 4, 2005.**
- 2. Foundation plantings, subject to the review of the City Planner and Urban Forester, shall be planted along the sides of the buildings facing Wiggington Road and Mercury Street, respectively.**

3. All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.
4. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quality of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Wiggington Road.
5. Since the existing roadside ditch adjacent to Wiggington Road is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the downstream inlet. The improved channel will be installed as a standard grass-lined swale. If the velocity of the runoff will not allow a grass-lined swale to establish, erosion control matting shall be used in lieu of a rip rap lining and is subject to the review of the Environmental Planner and the City Engineer.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Kent White, Senior Planner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Erin Bryant, Environmental Planner
Mr. Joe Gantt, Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)
2. **Vicinity Proposed Land Use**
(see attached map)
3. **Site Plan**
(see attached site plans)
4. **Project Narrative**
(see attached narrative)

MINUTES FROM THE APRIL 13, 2005 PLANNING COMMISSION MEETING:
These minutes have been reviewed, but not approved, by the Planning Commission

Petition of Gantt Properties Inc. to amend the Future Land Use Map at 821, 823 Mercury Street and 824 Wiggington Road from Low Density Residential to Medium Density Residential and for a rezoning of approximately 1.8 acres from R-2, Low-Medium Density Residential District to R-3, Medium Density, Two-Family Residential District and for a Conditional Use Permit to allow the construction of a town home development.

After discussion, Commissioner Hamilton made the following motion, which was seconded by Commissioner Worthington, and passed by the following vote.

“That the Planning Commission recommends to City Council approval of Joe Gantt’s petition to amend the Future Land Use Map at 821, 823 Mercury Street and 824 Wiggington Road from Low Density Residential to Medium Density Residential.”

| | | |
|--------------|---|---|
| AYES: | Barnes, Dahlgren, Flint, Hamilton, Pulliam, Worthington | 6 |
| NOES: | | 0 |
| ABSTENTIONS: | | 0 |
| ABSENT: | Bacon | 1 |

After discussion, Commissioner Hamilton made the following motion, which was seconded by Commissioner Worthington, and passed by the following vote.

“That the Planning Commission recommends to City Council approval of Gantt Properties’ petition for a rezoning of R-2, Low-Medium Density Single Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional), 821, 823 Mercury Street and 824 Wiggington Road.”

| | | |
|--------------|---|---|
| AYES: | Barnes, Dahlgren, Flint, Hamilton, Pulliam, Worthington | 6 |
| NOES: | | 0 |
| ABSTENTIONS: | | 0 |
| ABSENT: | Bacon | 1 |

After discussion, Commissioner Hamilton made the following motion, which was seconded by Commissioner Worthington, and passed by the following vote.

“That the Planning commission recommends to City Council approval of Joe Gantt’s petition for a Conditional Use Permit (CUP) at 821, 823 Mercury Street and 824 Wiggington Road to allow for the construction of a sixteen (16) unit townhome community, subject to the following conditions:

1. The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning of Wiggington Place Townhomes 821 Mercury Street prepared by Berkley-Howell & Associates, P.C. and dated April 4, 2005.
2. Foundation plantings, subject to the review of the City Planner and Urban Forester, shall be planted along the sides of the buildings facing Wiggington Road and Mercury Street, respectively.
3. All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.
4. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quality of runoff. Practices are subject to the approval of the City’s Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design

such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Wiggington Road.

5. Since the existing roadside ditch adjacent to Wiggington Road is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the downstream inlet. The improved channel will be installed as a standard grass-lined swale. If the velocity of the runoff will not allow a grass-lined swale to establish, erosion control matting shall be used in lieu of a rip rap lining and is subject to the review of the Environmental Planner and the City Engineer.”

| | | |
|--------------|---|---|
| AYES: | Barnes, Dahlgren, Flint, Hamilton, Pulliam, Worthington | 6 |
| NOES: | | 0 |
| ABSTENTIONS: | | 0 |
| ABSENT: | Bacon | 1 |

WIGGINGTON PLACE TOWNHOMES

#821, 823 Mercury Street, #824 Wiggington Road
Val. Map # 222-02-005/6, 9
Rezoning Request from R-2 to R-3C
Conditional Use Permit Request
Petitioner: Gantt Properties, Inc.

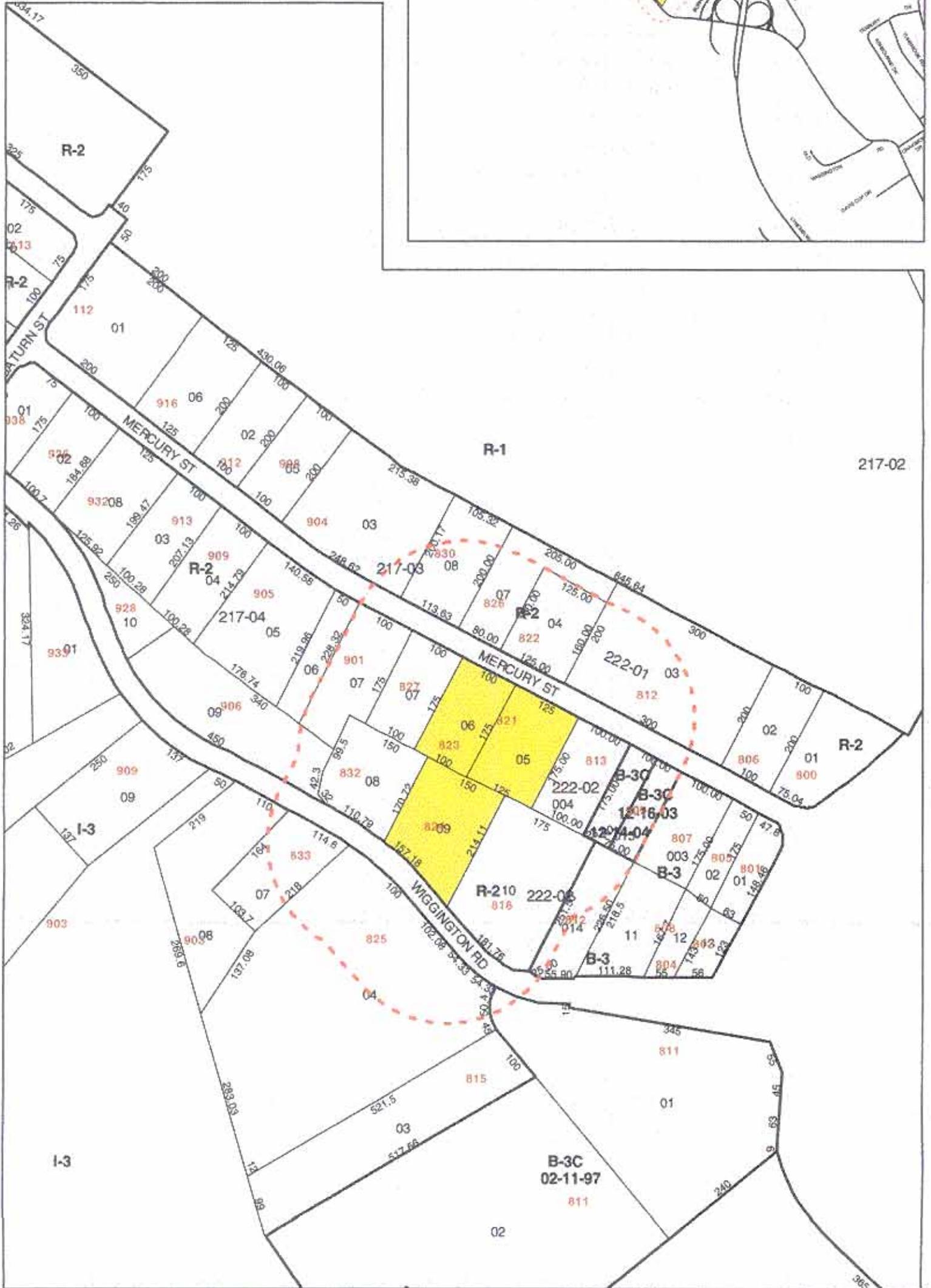
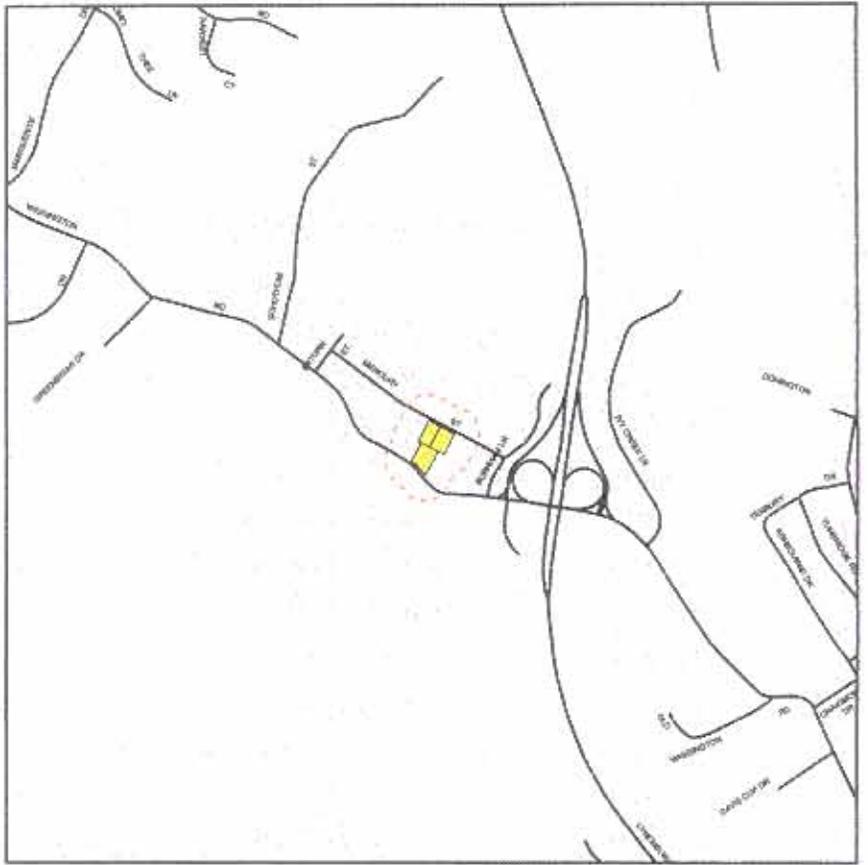
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

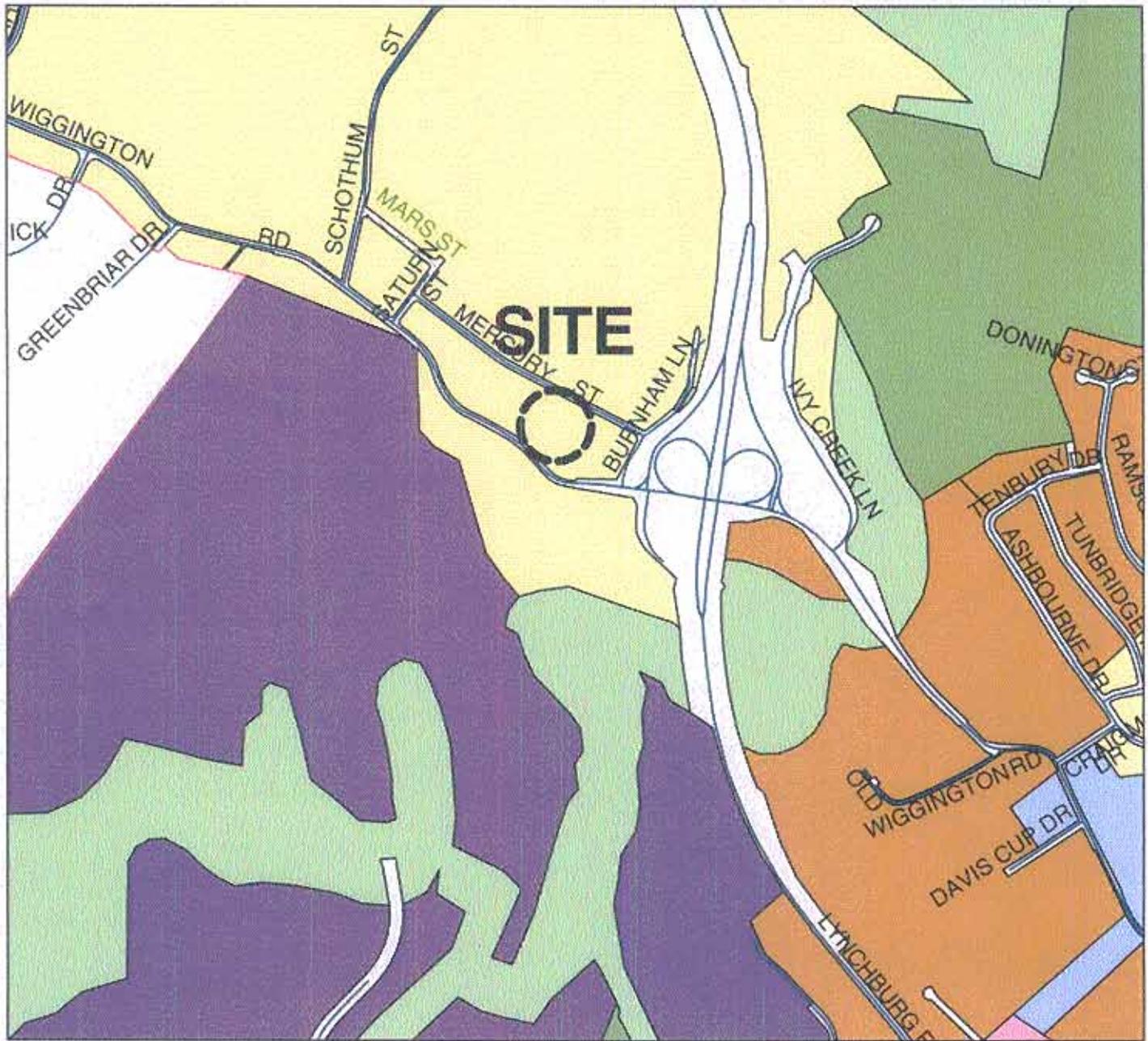


Subject Property



200 ft Radius





- Public Parks
- Resource Conservation
- Public Use
- Institution
- Downtown
- Office
- Employment 1
- Employment 2
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Traditional Residential
- Local Historic District
- Mixed Land Use

**WIGGINGTON PLACE
TOWNHOMES
821, 823 MERCURY STREET
824 WIGGINGTON ROAD
LAND USE PLAN**





Wiggington Place Townhomes

**Luxury Townhome Living at its Finest
(A Community of 16 Custom-Built Townhomes)**

**Gantt Properties, Inc.
434.385.7144**

RECEIVED

MAR 30 2005

**COMMUNITY PLANNING
& DEVELOPMENT**

Gantt Properties, Inc.
PO Box 622
Forest, VA 24551

March 29, 2005

To: City of Lynchburg Planning Commissioners

From: Joseph Gantt, Gantt Properties, Inc.

Re: Proposal for Wiggington Place Townhomes

Location: 823 Mercury Street and 142 ft. lot on Wiggington Road to be combined into one parcel. This location is approximately 1/8 of a mile west of the Northwest Expressway, and the 142 ft. lot is just a little further up and across from the Wiggington Road location of Duiguid Funeral Home.

Gantt Properties, Inc. has contracted the above described land on Wiggington Road and Mercury Street . It also has proposed to the City of Lynchburg a plan to develop a town home community limited to only 16 town homes.

The current zoning is R-2 and we have proposed a rezoning application for R-3 and a conditional use permit for the development. There is one single family home, 2 garages and an "out" building that will be removed to build the development.

The land across the street is already zoned industrial and the majority of the properties on the northeast side are business offices, town home duplexes, and a 4 unit apartment building.

We believe Wiggington Place Townhomes will prove to further enhance the scenic corridor that Gantt Properties has already improved with office buildings and town home duplexes. Each of these buildings boasts a Williamsburg architectural design with complementary landscaping and curb and gutter. The proposed new development will have the same architectural design and landscaping as the existing properties we have erected.

These town homes will be two and three levels with 10' ceilings, colonial bricked with coin corners, and be completed with dimensional shingles, hip roofs, dormers, hardwood floors, and custom kitchens. Services such as trash will be provided so that no dumpsters or trash cans will be visible from the streets.

The town homes are expected to be priced between \$150,000. To \$160,000. Completed, this should be a very desirable community which is convenient and centrally located to all that Lynchburg has to offer.

For more information on our proposed community, please contact Joe Gantt at 434.841.8814 or at the office at 434.385.7144. He'll be glad to meet or speak with anyone on this development.

Thank you.



Joe Gantt
Gantt Properties, Inc.

